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THE FIRST PARLIAMENT OF UPPER CANADA

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THE FIRST PARLIAMENT OF UPPER CANADA

By H. S. SEAMAN

With the dissolution of the tenth federal parliament, and notices out for nomination and election of a new one, it does not require any especial effort to bring the mind to a consideration of that chapter of Canadian history which marked the birth of the section of the country, that was then known as Canada west.

As Frank Yeigh, of Toronto, told the Canadian club on the occasion of his last visit to this city, "Years are only relative." Egypt's history embraces several thousand years, England's is covered by the round thousand, Canada is three hundred this year, and what we now call the west, is but a generation. One hundred and sixteen does not represent the number of years of Ontario's age by any means, but it does represent the number of years, during which she has exerted an individuality.

The steps, leading to the development from part of a unit into a full-fledged law-making constituency, are interesting as well as the conditions which surrounded the evolution.

The second Pitt, who among others, foresaw, something of the importance that Canada would assume, introduced into the British House of Commons on Feb. 7, 1791, a bill which would give the colony enlarged scope and the people representative institutions. One essential feature of the bill, was the division of the colony into Upper and Lower Canada.

Caused Historical Quarrel.

This is the particular clause, be it remembered which was the occasion on account of the trend of the discussion it provoked, which led to the famous quarrel between Burke and Fox. After a friendship of more than a quarter of a century the discussion of this clause of this bill which lasted some days, resulted in a breach between these two which was never healed.

The bill became law on March 14., 1791, and provided for each of the provinces so formed, a legislature consisting of an appointed council, and an elective House of Assembly, and was to become effective before Dec. 31. The date upon which the instructions reached Sir Alured Clark, acting governor in Carleton's absence in England, was Nov. 11. Clark issued a proclamation dated Nov. 18 and the new law became effective on Dec. 26, 1791.

Family Served the Empire.

Among those who served Canada and the home land, to the extent of laying down their lives, in the effort to give Canada to England under the leadership of the illu rious Wolfe, was Captain John Graves Simcoe, commander of H.M.S. Pembroke; but the

brave captain had left, with his beloved wife in the old home, a little son and namesake, four years old at the time of his father's death. The son like his father was a soldier and as such was in service in the American

JOHN GRAVES SIMCOE.

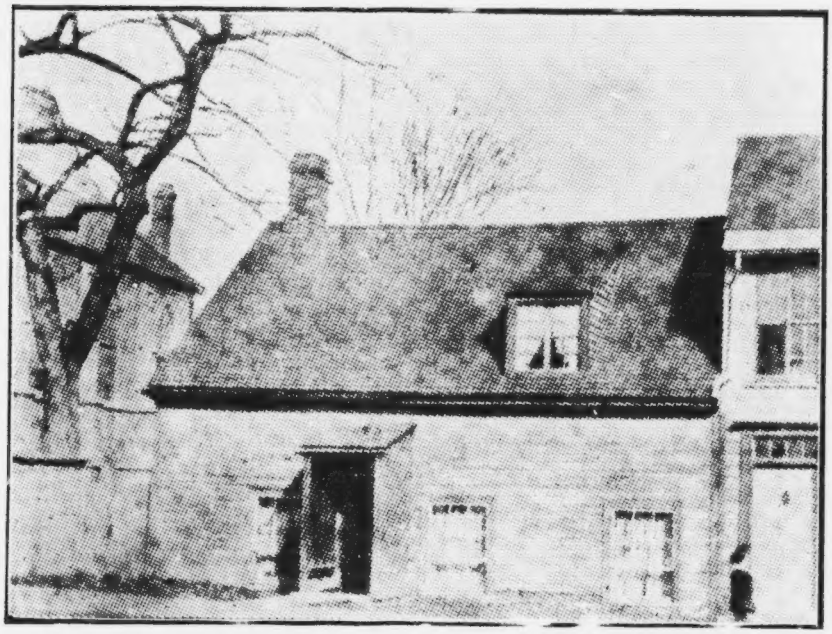
The First Lieutenant-Governor of Upper Canada.

revolution, where after numerous forward steps in point of command, he was appointed lieutenant-colonel of the Queen's Rangers. Under Simcoe's command this regiment rendered important service in the British cause, but was included in the capitulation of Cornwallis in 1781 at Yorktown. His release was not signed, (although he returned to England under parole in 1782) until January, 1783. Simcoe was elected by the people of Saint Maw, Cornwall, in 1790, to represent them in parliament. He thus came under the notice of Pitt, and by his experience in the American colonies was able to advise and assist Pitt in the construction of the constitution for Canada. There is reason to believe that the passing of the bill either included the appointment of Simcoe or at least must have been coincident with it. This being understood it is not difficult to imagine that the provisions of the bill would be to say the least, along lines that Simcoe would approve, and which he would be prepared to put into operation and to which he could give his consistent support.

Simcoe spent the winter in Quebec in forced inaction from two causes, the fact that a majority of the council were not present and therefore he could not be sworn in; as well as the additional fact that the regiment of which it was intended to make him colonel, the "Queen's Rangers," had not arrived, which rendered it impossible for him to assume the rank. For these reasons it was June, 1792, when Simcoe left Quebec, reaching Kingston early in July, and there he at once devoted himself to organizing the governments of Upper Canada.

The First Council.

The first legislative council consisted of Wm. Osgoode, Wm. Robertson, Peter Russell and Alexander Grant, all of whom had been appointed in England, although Robertson never came to Canada. Simcoe appointed, to complete the council, John Munro, of Matilda, Richard Cartwright, Jr., of Kingston, Robert Hamilton, of Niagara, and Richard Duncan, of Rapid Plat. Jacques Baby, of Detroit, had been recommended by Simcoe to the home government, Detroit then being.



The Old House, still standing on Queen Street, Kingston, Ont., where Simcoe organized the First Government of Upper Canada.

and in fact, remaining under the government of Canada until 1796.

From Halifax to Victoria, at the present moment the electors are awaiting the opportunity to elect to represent them, the eleventh parliament since confederation. But we can hardly now imagine the state of mind of the scattered men eligible to vote among the 10,000 population of Upper Canada, as the legislative council sat at Kingston. What must have been their feelings when the news reached them that on July 16 the proclamation had been issued, and that soon they would have opportunity of holding the first election, and of appointing men of their own choosing to frame the laws of their chosen land.

The First Session.

The meetings of the council lasted from July 8 to the 21st and the lieutenant-governor took the oath of office on the 8th, Osgoode Russell and Baby on the 9th and Grant on the 11th. The time from the 10th to the 15th was spent in laying out the province into counties and districts to provide for the members of the house of assembly and these divisions were made largely upon the basis of the existing military divisions.

As Miss Carnochan, the indefatigable historical enthusiast of Niagara, writing at that time said: "The much vexed question as to the first parliament house may yet be settled, but so far, it is wise not to assert too confidently, since no less than five places have been mentioned as deserving the honor, 'Navy hall,' 'The Indian council house,' 'The Parliament Oak,' 'Fort Niagara,' and 'Government house near the present court house.' Since parliament met here during five years, it is quite likely that more than one of these can claim the honor."

It is a matter of record in the archives, however, that the preparations of fitting up the House for the auspicious occasion cost the country £116 5s., about $565.00.

The first election would not have been complete without the usual accompaniment, a bye-election, Philip Dorland, from Prince Edward county, who being a Quaker, and not being able to take the oath, necessitated the first bye-election.

Possibly we are inclined to be pessimistic, but as the time for re-election of our representatives periodically rolls around ,we have to admit that we do not believe that the average man of our choice approaches his duties in the same spirit of service, of economy of time, of devotion to the work, as did this little band of sixteen men, who assembled in the little village of Newark, one hundred and sixteen years ago. The representative for Glengary, John Macdonell, was elected speaker of the first house:

Results of the Session.

The results of the twenty-eight day session compare favorably with those of the sister province which was opened just three months later, one bill was rejected (for the taxation of spirits) and eight were passed. The first one settle once for all what authority would be paramount in Ontario Courts, established English Law as final. Other bills provided for trial by jury, for the recovery of small debts' for restricting the compensation of millers to one-twelfth of the grain ground for their customers. Provision was made for the erecting a jail in each of the four districts and for renaming the districts as well as legislation for the regulation of weights and measures, to prevent accidents by fire, and for regulating the court of common pleas.

The men, mostly plain farmers and country shop-keepers, who had has-

tened during the early fall their own business matters by preparation for the vigorous winter, so that they could answer the call of country, were now ready to proceed to their homes. The occasion was one to which the commander-in-chief rose with dignity for the men were men after his own heart. He said, in part:

"It is with very great satisfaction, that I have considered the acts which you have found it expedient to frame, and to which, in consequence of the power delegated to me, I have this day given my assent, that they shall become laws of Upper Canada.

"I cannot dismiss you without earnestly desiring you to promote, by precept and example, among your respective counties, the regular habits of piety and morality, the surest foundations of all private and public felicity, and at this juncture, I particularly recommend you to explain, that this province is singularly blessed, not with a mutilated constitution, but with a constitution which has stood the test of experience and is the very image and transcript of that of Great Britain, by which she has long established and secured to her subjects as much freedom and happiness as is possible to be enjoyed under the subordination necessary to civilized society."

Comparison of Then and Now.

A sketch of this first meeting of parliament would not be complete without a brief comparison of the conditions under which it was held and those which surround the assembly of the law-makers of the same province today. The building at present occupied by the Ontario legislature does not need description, other than to say, having been erected during the lieutenant-governorship of the late Sir Oliver Mowat, while the building of the same was immediately under the direction of the minister of public works for the province, Hon. Christopher F. Fraser, against whose administration one single whisper was once made at a meeting of the cabinet, and the proof was so emphatically demanded that the implication was immediately withdrawn with apologies. The building stands to-day an example of splendid architecture as well as a suitable and convenient house in which the laws of the province may be made. While for this first parliament, the building (whichever of the four it was) that was actually used, had first to be cleared of a quantity of "sails, cordage and other naval stores," it having been used for some time as storage, and having been built in the course of the last war (1775-1783) for the naval officers, had been allowed to get into bad repair, during the succeeding time of peace.

The population of Ontario was then 10,000; to-day it is doubtless many thousands over the 2,182,947 of the 1901 census, and during the last few years material additions have been made to its territory.

But probably in no other way, has there been greater change than in the matter of travel. Mr. Macdonell, the present speaker, would have a journey of over 300 miles to arrive at Newark from probably Alexandria in Glengary. How would this be accomplished? In his case probably by means of the relay of post stages while, of his less fortunate colleagues, some would "paddle their own canoes," others would sail, some go on horseback, while others again would make their way to the place where they had been called to serve their country, on foot.

Primitive Affairs in 1791.

No steam railways or palace steamers such as traverse the waters that separate Ontario from the United States, no electric cars, steam,

electric or gasoline launches, no bicycles or automobiles were on hand in those days to eliminate time and distance. The members doubtless would be required to submit their bills in writing, while to-day this is done by the printing press, under direction of the "King's printer."

The anxiety about sick ones at home could not be relieved probably until the return home, nor could the member advise his constituency as to the fate of any bill he was pledged to support, their being no telegraph, or telephone. The home government would not be advised within a few minutes of the features of any bill effecting the relations between the home office and the colony, as it can to-day by cable. To quote Frank Yeigh again, the member of parliament, "could not run any one down with his bicycle or be killed by an automobile, he could not dictate his letters and have them handed him ready to sign, or elope with his stenographer."

But when he had retraced his steps to his own native burg, by the same tedious means whatever they may have been, he and his supporters would gather not in the building devoted to the political party's interests which he happened to represent, but into the departmental store of the day when everything "from a needle to an anchor" was packed into the 10 by 16 foot store and talk over again and again, the events of the journey to and fro, as well as the scenes, the people, the discussions and speeches of the days in which he had been representing them before the King in the person of his representative, his excellency, Lieut.-Col. John Graves Simcoe, the lieutenant-governor at the first parliament of Upper Canada.